

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-8, 10-11, 13-22, and 24-32 are pending, with claims 1, 11, 17, 25-28, and 32 being the independent claims. The Applicants do not acquiesce to the rejections of the claims, but have amended some of the claims to further prosecution of the application. The Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections. No new matter is added.

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter in claims 4, 5, 9, 12, 19, 23, 24, 27 and 29.

Claim Rejections

Claims 1-3, 6-8, 10, 17, 18, 20-22, 25, 26, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,616,753 to Marx ("Marx"). Claims 11 and 13 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Marx.

Claims 11, 13-16, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marx in view of U.S. Patent No. 5,314,338 to Cavesa et al. ("Cavesa").

Independent Claim 1 and its Dependent Claims

Independent claim 1 has been amended to include the subject matter of claim 9, which was indicated by the Examiner as allowable. Accordingly, the Applicants respectfully submit that claim 1 is patentable. Based at least upon their dependence from claim 1, claims 2-8, 10, and 30 are also patentable.

Independent Claim 11 and its Dependent Claims

Independent claim 11 has been amended to include the subject matter of claim 12, which was indicated by the Examiner as allowable. Accordingly, the Applicants respectfully submit that claim 11 is patentable. Based at least upon their dependence from claim 11, claims 13-16 are also patentable.

Independent Claim 17 and its Dependent Claims

Independent claim 17 has been amended to include the subject matter of claim 23, which was indicated by the Examiner as being allowable. Accordingly, the Applicants respectfully submit that claim 17 is patentable. Based at least upon their dependence from claim 17, claims 18-22, 24 and 31 are also patentable.

Independent Claim 25

Independent claim 25 recites “at least one member disposed in the passage, the member being configured to redirect a movement of a toy block” and “an actuator coupled to the sensory output generator, disposed to detect movement of a toy block through the passage, and configured to provide an input to the sensory output generator upon detecting movement of the toy block.” The Examiner asserts that Marx is inherently capable of the function of detecting movement of a toy block. The Applicants respectfully disagree with this assertion. Marx discloses a toy bank configured to receive coins. The toy bank of Marx does not disclose or suggest an embodiment of a bank configured to receive an object other than a coin. The coin slots 27 are shaped and sized to receive coins, and the upper portion ^{f²} as illustrated in the figures and as described is narrow and incapable of receiving a toy block or any other object larger than a coin. Accordingly, at least for this reason, claim 25 is patentable.

Independent Claim 26

Independent claim 26 has been amended to recite “a plurality of viewing apertures defined by the body and communicating with the passage, the viewing apertures configured to permit viewing of an object as it moves from the input to the output.” The Examiner asserts that the coin slots 27 of Marx can be considered viewing apertures. The Applicants respectfully

disagree with this assertion. Marx includes three coin slots 27 at the upper portion f^2 of the toy bank. As discussed above, the upper portion f^2 of the toy bank has a narrow passage for receiving the coins. A user could not view the coins as they move from the input to the output as recited in claim 26. In fact, the inner structure of the bank would block any view of the coin through any of the slots. Accordingly, at least for this reason claim 26 is patentable.

Independent Claim 28

Independent claim 28 recites “an output generator coupled to the actuator and configured to generate an output in response to engagement of the actuator by a toy block.” As stated above for claim 25, the toy bank of Marx is not configured to receive a toy block, and therefore, is not configured to generate an output in response to engagement of the actuator by a toy block as recited in claim 28. Accordingly, at least for this reason, claim 28 is allowable. Based on its dependence upon claim 28, claim 29 is also patentable.

New Independent Claims

New independent claim 32 includes the subject matter of claim 19 rewritten in independent form including all of the limitations of the base claim (claim 17) and any intervening claims (claim 18). Accordingly, new claim 32 is patentable.

CONCLUSION

All of the stated grounds of rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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